

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ELVERT S. BRISCOE, JR.,	:	
	:	Case No. 1:18-cv-02417
Plaintiff,	:	
	:	
vs.	:	
	:	OPINION & ORDER
GARY MOHR, ODRC DIRECTOR, <i>et al.</i> ,	:	[Resolving Doc. 19]
Defendant.	:	
	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Pro se Plaintiff Elvert S. Briscoe, Jr., an Ohio inmate, brings this civil rights action under 42 U.S.C. § 1983.¹ On March 8, 2019, the Court screened and dismissed Plaintiff's case pursuant to 28 U.S.C. § 1915(e)(2)(B).² Plaintiff appealed.³ On April 7, 2020, the Sixth Circuit issued a mandate, affirming the Court's dismissal of some claims and vacating the Court's dismissal of other claims.⁴ On May 12, 2020, the Sixth Circuit recalled the mandate because Plaintiff filed a petition for a rehearing *en banc*.⁵

On May 29, 2020, Plaintiff moved to compel the Ohio Attorney General and the Ohio Department of Rehabilitation and Correction Director to provide forwarding addresses for Defendants Gary Mohr and Lashann Eppinger.⁶ The Court lacks jurisdiction to rule on Plaintiff's motion to compel because the Sixth Circuit recalled its mandate.⁷ The Court **DENIES** Plaintiff's motion to compel for lack of jurisdiction.

¹ Doc. [1](#).

² Doc. [5](#).

³ Doc. [7](#).

⁴ Doc. [12](#).

⁵ Doc. [16](#).

⁶ Doc. [19](#).

⁷ See *United States v. Carman*, 933 F.3d 614, 615 (6th Cir. 2019) ("Subject to very few exceptions, the filing of a notice of appeal shifts from the district court to the court of appeals adjudicatory authority over any aspect of the case . . . involved in the appeal.").

Case No. 1:18-cv-02417
Gwin, J.

IT IS SO ORDERED.

Dated: June 17, 2020

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE